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The re-emergence of wardship: Aboriginal Australians and the promise of citizenship

Abstract

In this paper, I suggest that the category of 'ward,' a designation used for Aboriginal Australians in the 1950s and 1960s, has re-emerged in contemporary Northern Territory (NT) life. Wardship represents an in-between status, neither citizens nor non-citizens, but rather an anticipatory citizenship formation constructed by the Australian state. The ward is a not-yet citizen, and the deeds, acts, and discourses that define the ward's capacities to act as a political subject can maintain their anticipatory nature even as people 'achieve' formal citizenship. Wardship can be layered on top of citizen *and* non-citizen status alike. Rather than accounting for the grey areas between 'citizen' and 'non-citizen,' therefore, wards exist beyond this theoretical continuum, demanding a more nuanced accounting of political subjectivities and people's relationships to the state.

I trace the emergence of the category 'ward' in the 1950s and 1960s in Australia and its re-emergence for Aboriginal Australians impacted by the 2007 Northern Territory Emergency Response legislation. The promise of citizenship offered by the status of 'ward' is built upon expectations about family life, economic activity, and appropriate behaviour. These assumptions underscore an implicit bargain between individuals and the state, that neoliberalised self-discipline will lead to both formal citizenship rights and a sense of belonging. Built-in impediments, however, ensure that this bargain is difficult, if not impossible, to fulfil.

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The re-emergence of wardship: Aboriginal Australians and the promise of citizenship

INTRODUCTION

In 1961, a judge from Darwin, Australia heard the case of three Aboriginal men who petitioned the state for full citizenship. Classified because of their race as ‘wards of the state,’ the men argued that their lifestyle made them good candidates for citizenship. As proof, they offered specific behaviours, such as using knives and forks at the dinner table, sleeping in beds, and attending schools. The judge was sceptical, maintaining that they wanted citizenship rights to gain access to alcohol. “Yes,” answered one of the petitioners, “but not only that—I want to live the right way.” Despite his assurances, the judge determined that the case be dismissed; the men were “in need of the benefits of wardship” (1961). The case of the three Aboriginal petitioners illustrates the gulf between the full citizenship held by white Australians and the promise of citizenship offered by the category of the ‘ward.’ Wardship was framed as a gateway to potential citizenship, government pamphlets declared, as long as Aboriginal people were determined to assimilate, to become “accustomed to living in houses,” and to acquire jobs within “the white man’s world” (Minister for Territories, 1957; Department of Territories, 1967). Yet even as the Australian government promoted a shared civic culture, racialized categories still drove policy, and the ‘Australian way of life’ was fundamentally a white one (Davis and Watson, 2006; Conor, 2006; Haebich, 2007; 1959)

This paper focuses on the category of the ward and how its promise of citizenship limits political subjectivities. I trace the emergence of the category ‘ward of the state’ in the 1950s and 1960s in Australia and what I argue is its re-emergence in contemporary Northern Territory (NT) life. Aboriginal Australians impacted by the 2007 Northern Territory Emergency Response (NTER) legislation grapple with the re-emergence of wardship, the promise of citizenship without its eventual fulfilment.

Wardship represents, as I argue in this paper, an in-between status: wards were neither citizens nor non-citizens, but rather an anticipatory citizenship formation constructed by the Australian state. By citizenship, as I elaborate below, I mean the formation of political subjects, their capacity for making rights claims, as well as their

capacity to govern themselves and the discourse that defines such capacities (Isin, 2012, p.568). The ward is a not-yet citizen (Manderson, 2008), and the deeds, acts, and discourses that define the ward's capacities to act as a political subject can maintain their anticipatory nature even as people 'achieve' formal citizenship. Wardship can be layered on top of citizen *and* non-citizen status alike. Rather than accounting for the grey areas between 'citizen' and 'non-citizen,' therefore, wards exist beyond this theoretical continuum, demanding a more nuanced accounting of political subjectivities and people's relationships to the state. I argue furthermore that wardship is built upon expectations about family life, economic activity, and appropriate behaviour. These assumptions underscore an implicit bargain between individuals and the state, that neoliberalised self-discipline, 'living the right way,' as the Aboriginal men promised, will lead to both formal citizenship rights and a sense of belonging. Built-in impediments, however, ensure that this bargain is difficult, if not impossible, to fulfil.

I begin the paper by outlining my research methods, and theoretically framing my discussion of citizenship. After describing the creation of wards in the 1950s, I argue that the 'problem' of the Aboriginal family was central to the construction of wardship as *anticipatory* citizenship, and behaviour modification offered, theoretically if not practically, a way for wards to prove their citizenship potential. I then argue that wardship re-emerges within the contemporary suite of NTER policies that were implemented in 2007 in the Territory. The NTER reveals the precarity of Aboriginal Territorians' claims to citizenship, again focusing on the problem of family life as central to their inability to achieve full citizenship. Aboriginal Territorians are once again tasked with behaviour modification in order to claim full citizenship. I conclude by considering the possibility of citizenship as a radical claim to belonging.

METHODS

My analysis is based on a combination of historical and ethnographic research undertaken in Darwin, Australia between November 2011 and March 2012. Information about the ward era is primarily derived from archival research in the NT collections of the Northern Territory Parliamentary Library and the Charles Darwin University Library, as well as the Darwin City Library. I prioritized sources unavailable elsewhere, including books, newspapers, government documents, and media publications covering topics including

Aboriginal issues, Intervention policy repercussions, local advocacy, and Darwin and NT history. While the majority of this analysis is based on historical and publicly available documents and secondary sources, I also conducted semi-structured interviews on related issues that raised questions about citizenship and belonging that directly informed the analytical framework constructed here. As I describe in detail elsewhere (██████████, p.315), Aboriginal residents of Darwin were *not* interviewed for this study, as the continued push for residents' stories of trauma and the intensive scrutiny of outsider scholars on Northern Territory Aboriginal groups after the NTER raised extremely problematic issues of voice and the continued "colonial reach of social science research practices." As a non-Australian, non-Indigenous outside researcher, my research engagement was always conditioned by the continued settler colonial drive for research about Aboriginal Australians, and boundaries about subject matter, source material, and participant observation were continually re-drawn throughout the research process to reflect my ongoing concerns with my own positionality (see for more detail ██████████).

However, interviews with Aboriginal advocates, local historians, members of community organizations, members of local governments, and other interested parties are important to credit as they raised issues of how NTER policies challenged Aboriginal claims to citizenship, legal rights, and belonging. The conceptual push to compare NTER and ward-era policies is directly drawn from interviews, which also helped me develop new ideas for connections to investigate in the archives—particularly the gendered and infantilising nature of NTER policies, and how these were reflected in historical practices—and were especially insightful in considering the embodied implications of NTER policies, including the effects of the BasicsCard for everyday life and the NTER's implied critique of Aboriginal culture.

While interviews prompted questions and shaped the direction of analysis, this piece relies on secondary sources, public events, and independent media sources rather than work with the content of interviews themselves. Indeed, the originality of this analysis is derived in larger part due to the analytical framework I construct, and how the concept of anticipatory citizenship plays out across two eras of settler colonial policy making described through a range of existing documents. Together, the variety of sources allowed me to focus and prioritize research findings, triangulate them for greater internal consistency, and

juxtapose the very different histories and contemporary life of NT Aboriginal communities to highlight the connected regimes of not-quite-citizenship described here.

A FRAMEWORK FOR CITIZENSHIP

T. H. Marshall's influential essay "Citizenship and the Social Class" (1949) describes citizenship as membership or status that becomes connected to a specific nation-state territory (McMaster, 2003). Some scholars argue that citizenship as a concept provides the link between the 'blood' of individual subject bodies and the 'soil' of sovereign territory, connecting the living body to the sovereign one through the idea of birthright (Wadiwel, 2006). This relationship literally gives life to sovereignty: as de Genova (2010b, p.51) argues, citizenship becomes a site of both entrapment and struggle, where subjects become "ensnared" in the "state project of producing people in its own image."

Citizenship is increasingly also understood as constituted through social practices such as mobility (Painter and Philo, 1995). A focus on social practices such as mobility is part of larger trajectories of work that focus on the fragmentation and social construction of citizenship, including Painter and Philo's (1995, p.111) on people *within* national boundaries who did not exemplify national ideals; Kurtz and Hankins (2005) emphasis on the messy social practices of lived citizenship, not properly captured by either the 'membership' or the 'practices' approach to study; and Ho's (2009, p.801) exploration of the fractured, contingent nature of citizenship through a turn to emotions, where that emotional citizenship represents a "intimate scale of identification."

Of course, the idea of citizenship, many authors note, is inextricably bound up with the creation of a 'non-citizen' through processes of difference and othering. Although scholars have traditionally emphasized the *exclusionary* processes of creating the non-citizen, recent approaches stress how logics of othering simultaneously produce a citizen and non-citizen *together* (Cresswell, 2009). Studies that focus on non-citizens as the cast-off 'other' may also miss finer grained distinctions, such as the migrant (Gilmartin, 2008) or 'shadow citizen' (Cresswell, 2009) struggling for rights within national territories, or the Canadian Aboriginals who become legal 'strangers' in their native lands (Valverde, 2010).

Even as scholars attempt to broaden understandings of citizenship, Isin (2012) argues that many maintain a conceptual over-reliance on the nationality-state-citizenship apparatus that maintains the 'fiction' of citizenship as a European invention, deeply

embedded within Orientalist logics of the colonizer and colonized. Decolonizing citizenship, Isin (2012: 568) posits, requires reinventing new ways of becoming political subjects. He frames citizenship through *acts* of rights-making, *acts* of self-governance, and the *discourse* that defines one's capability to act, providing a useful re-framing of citizenship:

The concept of 'political subjectivity' becomes crucial because an essential component of the juridico-legal institution of citizenship is the formation of political subjects either with the right to have rights or making rights claims. *Who has the capacity to govern themselves, who lacks such capacities and the discourse that defines such capacities become effective instruments of the formation of political subjects and their subjectivity* (italics mine Isin, 2012, p.568).

Isin's scholarship (Isin, 2012) provides an alternative genealogy of citizenship, outlining a roadmap towards decolonization through a focus on acts that create political subjectivity (De Genova, 2010b). This framework stresses the state's formative role in producing citizenship knowledges (Jeffrey et al., 2012) yet also provides space for politics that reject normative state sovereign categories (De Genova, 2010b).

Yet Isin's framework has also come under scrutiny for its reliance on *acts* and *deeds* that produce political subjects rather than the *individuals* who act and embody these subjectivities (Staeheli, 2010, p.399). Perera (2009: 649) emphasizes citizenship as the *embodied* acts, everyday performances that attempt to "access the experience of citizenship." She argues that a "close scrutiny of the ways in which citizenship is actually embodied by the state discloses a scenario filled with the anxious enactments of citizens as actors" (Perera, 2009). Perera's (2009) focus on embodied citizenship connects with scholarship that Pearson (2002) and Veracini (2011) conduct on the specificity of settler colonial citizenship processes. Pearson (2002) argues that citizenship processes operate concurrently in settler colonies to constitute relations of difference vis-à-vis the state: Aboriginal minorities become constituted both as 'Aboriginal' and eventually as a 'minority,' and settler majorities experience 'indigenization' as they become 'at home' in the settler colony. Similarly, Veracini (2011) discusses the processes through which settlers disavow indigenous inhabitants, describing the 'libidinal economy' of settlers who desire both the *land* and the *indigeneity* of indigenous occupants in particularly embodied ways.

Scholarship about the erasure of indigeneity alongside the settler colonists' insatiable desire for indigenous status aligns well with recent work about the importance of race within citizenship formations. The understanding of citizenship through birthright explicitly ties the growth of population with practices of governance, a link Foucault (2007,

p. 106) develops in his conception of governmentality, practices of governance and conduct intimately focused on the population as a whole: “the population will be the object that government will have to take into account in its observations and knowledge, in order to govern effectively...” Birthright citizenship becomes a key aspect within the governance of populations taken on by modern states, tying together the biopolitical event of birth—rather than consent, or choice—with the continuity of the state apparatus, yet the citizen constructed through birthright cannot be separated from its embodied characteristics (Isin 2012b: 460). The creation of the birthright citizen is thus intimately entwined with the development of racial categorization and racism. For Ngai (2007), race is both integral to citizenship and constitutive of the non-citizen. She (2007) describes what she calls the category of the “alien citizen,” people of immigrant ancestry whose racialization causes their citizenship to be either suspect or denied altogether. Alien status is inherited from previous generations, not simply as a metaphor for racial injustice, but as manifested within law and official policy.

Conceptions of citizenship also engage with the pressures of increasingly individualise neoliberal economic expectations, which have transformed the governance of populations. For Miraftab and Wells (2007), the rise of new enclosure practices has led to new demands for rights from those who they term ‘insurgent citizens,’ political subjectivities shaped under neoliberalism who may not be accounted for under juridical ‘membership’ definitions of citizenship. Another example is the category of ‘aspirational citizens’ (Staeheli, 2010). Staeheli (2010) describes how state projects reimagining citizens as consumers often conceal violent processes of boundary-making and public shaming through apoliticized narratives of individual responsibility. ‘Insurgent’ and ‘aspirational’ citizens represent an ambiguous category, individuals who are both resistant to and absorbed by state narratives about citizenship.

My analysis draws from Isin’s (2012) focus on the acts, deeds, and discourses that allow for making claims to rights as well as the capacity to govern oneself. I extend these arguments by employing both Perera’s (2009) focus on the embodied performances of citizenship as well as Ngai’s (2007) focus on the ability of racial formations to override birthright citizenship, moulding non-citizens from citizens through law and policy, and the continued stickiness of non-citizen status throughout time. I combine these theories with attention to the increasing neoliberalised models of citizenship described by Miraftab and

Wells (2007) and Staeheli (2010). I argue that the ward relationship is an anticipatory citizenship formation that limits the capacity of individuals for self-governance, offering the promise of full citizenship if certain behavioural expectations regarding families and appropriate economic activities are eventually met. Wards of the state build on Manderson's (2008, p.272) framework of deferred rights for Aboriginal people, perceived as "not yet" ready for equality before the law. This analysis fits into broader genealogies of sites of enclosure in Australia (Bashford, 1998), as well as in the context of white settler colonialism (Haggis, 2012).

WARDS OF THE STATE: ABORIGINAL CITIZENS-IN-THE-MAKING

National policy-makers had debated the eventual emergence of Aboriginal Australians as citizens as far back as the 1930s, but the assumption that Aboriginals were unready for citizenship and in need of government 'protection' dated back still further. Throughout the twentieth century in both the Territory and across Australia, policies towards Aboriginal Australians moved from explicitly lethal violence toward what Sharp (in Nakata, 2007, p.130) calls 'soft violence.' Soft violence included regimes of surveillance, confinement, and collective deprivation, and national and Territorial governments collectively framed them as Aboriginal 'protection' (McGrath, 1995). Legislators authorized the position of Aboriginal Chief Protector in the NT in 1911, when the Commonwealth assumed control of the territory, giving the federal government a "*leading* role in Australian Indigenous affairs, but not a national role," according to Sanders (2014, p.3). By 1918 the Chief Protector assumed legal custody and guardianship of all Aboriginal children in the NT, authorized the arrest of Aboriginal residents without warrants, enforced prohibitions on mixed-race sexual encounters, and administered discipline on Aboriginal reserves (Chesterman and Galligan, 1997). A national push for reforming Aboriginal working conditions and legal protections in the 1920s led to a backlash in the NT, where Chief Protector Cecil Cook declared Aboriginal people as a whole were a 'child race' in need of protection. He focused instead on the promise of miscegenation to decrease what he called the 'problem' of the 'half-caste,' pursuing policies of child removal and attempted to mandate marriages between half-caste and white residents of the NT to, as he wrote, "fuck 'em white" (Gray, 2011a, p.71).

Efforts such as Cook's were part of wider national debates about the future potential Aboriginal Australian citizen, a transition that was intimately bound up in bloodlines and skin colour. Cook noted that while 'wild uncivilized blacks' and 'semi-civilized' fringe dwellers, as he termed them, were probably not appropriate for future citizenship, the 'detrribalized half-caste' was a possible citizen-in-the-making. He argued that "the policy of the Commonwealth is to do everything possible to covert the half-caste into a white citizen" (in Chesterman and Galligan, 1997, p.148). By 1937, federal policy had officially shifted towards assimilation, a policy trend known in the NT as 'government time,' whereupon full-blooded Aboriginal people would remain on reserves and half-castes would be assimilated into white Australian society (Smith, 2004). Assimilation meant eventual citizenship, policy-makers suggested, and indeed, the 1939 Aboriginal Policy suggested "raising... their status so as to entitle them by right and by qualification to the ordinary rights of citizenship" (Chesterman and Galligan, 1997, p.148). Political developments, including the incorporation of Aboriginal people into the armed forces during World War Two and the transition of white Australians from British subjects to citizens in 1948, accelerated the movement towards Aboriginal citizenship.

The creation of the category of 'ward of the state' as a form of anticipatory citizenship occurred formally in 1953, as the Commonwealth government struggled to imagine the transition of some Aboriginal residents to full citizenship. The Commonwealth Minister for Territories, Paul Hasluck, proposed to, in his words, "cease using a racial classification for Aborigines" in new social welfare legislation developed for the NT (quoted in Stannage et al., 1998, p.109). Hasluck proposed 'ward' as a racially neutral term, yet the Welfare Ordinance 1953 assured that 'wards' would nevertheless legally exclude all possibility of white Australians falling under the partial, anticipatory citizenship they proposed for Australian Aboriginals. The ward, they determined, would be defined as person who "by reason of (a) his manner of living; (b) his inability, without assistance, adequately to (c) his standard of social habit and behaviour; and (d) his personal associations, manage his own affairs; stands in need of such special care or assistance" (Commonwealth of Australia, 1953). The category of ward explicitly excluded those who were eligible to vote in elections for the NT House of Representatives, as well as those who by age (under 21) or recent immigration to Australia (less than six months) who normally

would have been excluded from eligibility, thus ensuring that only Aboriginal people would be designated as wards.

As one member of the legislature said at the time, it was a way of “seeming to recognize Aborigines as human beings without doing so,” a point made all the more clear by the inclusion of items such as ‘tribal name’ and ‘tribal language’ on paperwork for ward determination (Gray, 2011a, p.118). The Director of Welfare retained control over wards’ property, sexual relations, marriage, movement, and alcohol consumption. Vast amounts of data collection ensued to ascertain the status and location of all wards in state ‘care’ (McGrath, 1995). The culmination of this data collection was the Register of Wards, a document known dismissively as the ‘stud book,’ which expanded record-keeping conducted by the Welfare Branch of the NT, and eventually listed over 15,000 Aboriginal people of ward status. The attempt to cement contact between individual wards and the Territory government was such a labour-intensive and ultimately impossible project that one Territory politician called it “chasing Aborigines round the bush with a magnifying glass” (Gray, 2011a, p.121).

The legal dismantling of the ward began in 1962, when the *Commonwealth Electoral Act 1962* formally extended the vote to Aboriginal Australians. The legal definition of the ward had been written to exclude voters as a way of preventing white Australians from being designated as wards. Expanding the franchise to include Aboriginal residents thus prevented Territory authorities from designating new wards. The new regulations literally trapped those previously designated as wards, as non-ward family members given the right to vote were physically prevented from visiting their ward relatives still incarcerated on reserves (Gray, 2011a). This often meant that ‘full-blooded’ Aboriginals would be prevented from interacting with their ‘half-caste’ relations.

Aboriginal activism grew throughout the 1960s, including the walk off staged by Gurindji stockworkers and servants at Wave Hill Station in 1966, a moment since interpreted as the start of the movement for Aboriginal land rights throughout Australia. A national antiracist movement developed throughout Australia during the 1960s, including the Aboriginal Tent Embassy in Canberra established in 1972 to assert sovereignty and land rights, and activist ‘pig patrols’ monitoring police treatment of Aboriginals in custody throughout the country during the 1970s (Davis and Watson, 2006). Changing national attitudes were reflected in the 27 May Referendum of 1967, where Australians

overwhelmingly voted to change the Constitution to allow the formal count of Aboriginal people in the census and grant the Commonwealth the power to make laws for Aboriginal people. Chesterman and Galligan (1997) note that there was no one moment where Aboriginal Australians formally gained full citizenship rights, but the 1967 referendum illustrated the significant legal and political changes in Aboriginal rights during the 1960s that slowly accorded Aboriginal Australians many citizenship rights. Differences still applied, however: the Commonwealth government still maintained that it had the right to make laws 'on behalf of' Aboriginal people, and Aboriginal people were not even required to vote, as were white Australians, until 1983 (Moreton-Robinson, 2009).

Wardship had a particular *anticipatory* temporal quality. Government pamphlets stated that Aboriginal people would assume full citizenship "when they are able," and their ability would be measured based on the "stage of advancement which he has reached" (Minister for Territories, 1957). Wardship was supposed to appear as a progressive measure that no longer tied citizenship to skin colour, but rather to aspects of life that individual Aboriginal people could themselves control such as their behaviour or education. Yet the status was also an implicit promise to white Australians of delay. 'Potential' citizenship was supported by assumptions of ongoing Aboriginal inequality, and they existed in "a permanent state of 'not yet'" (McGrath, 1995; Smith, 2004; Rowse, 1998, p.114).

The 'Problem' of the Aboriginal Family: Acts And Deeds Defining The Not-Yet-Citizen

Wardship's anticipatory quality took into account Australian officials' concerns about Aboriginal parenting and family life. For Australian officials, the 'problem' of the indigenous family was that it was ill prepared, even *permanently* incapable of guiding children toward Australian citizenship (Conor, 2006). Colonial depictions of Aboriginal parenting practices categorized them as animalistic, unnatural, and, at best, undisciplined. Indeed, according to court rulings, "being 'Aboriginal' was in itself reason to regard children as neglected" (Conor, 2006, p.173). Parenting and gender roles within the family were the focus of ward policies, concentrating state regulatory scrutiny on biopolitical acts and deeds at the heart of social reproduction and potential citizenship. Authorities throughout the NT, for example, attempted to force Aboriginal women wards to give birth in hospital settings and continued to intervene in Aboriginal wards' marriage and parenting practices (Cowlshaw, 1999).

Through the focus on parenting and family structures, wardship maintained and also extended policy frameworks that infantilized Aboriginal families. Entire families became “dependent children in need of protection,” and individual wards were treated “as if that ward were an infant” (Nakata, 2007, p.129; Gray, 2011a, p.123; Cowlshaw, 1999, p.174).

Yet as Ngai (2007) and Perera (2009) argue, acts and deeds that construct citizenship such as the Aboriginal parenting practices under scrutiny are always also embodied, and Australian state concern about the Aboriginal family varied depending on the racialization of individual family members. The most extreme policing of parenting occurred in the form of child removals, a policy accelerated during the period of wards. Mixed-race Aboriginal Australians, then known by authorities as ‘half-castes,’ literally embodied the breaking of colonial sexual taboos by the colour of their skin. Authorities believed that institutionalization saved their children from lives as outcasts, as they assumed Aboriginal parents would reject their lighter-coloured children as white parents would have. Institutionalizing ‘half-castes’ erased the discomforting visage of white children in black Aboriginal camps and provided these children, according to authorities, with the skills and culture needed to transition toward citizenship (Smith, 2004; Cowlshaw, 1999). Removals, Smith (2004) argues, were the result of both the movement toward state intervention into poor families and this logic of racial categorization. Yet they were also indicative of the racial logic through which the parenting responsibilities of citizenship were envisioned.

Authorities also measured the readiness of Aboriginal people for citizenship through the lens of gender, particularly examining the appropriateness of Aboriginal masculinity. Colonial policies were often based on philosophies that valorised hard work. Institutionalization of Aboriginal people on missions, reserves, and pastoral stations relied on unpaid and sometimes forced Aboriginal labour to achieve settlement goals, and when Aboriginal people were paid, the money was often put in trust accounts that were often raided to fund reserve and mission operations (Bielefield, 2012; Smith, 2004). Cash, employers and authorities argued, led to the “degradation of the Native” (Gray, 2011a, p.73). Rationing, the practice of distributing food and goods to Aboriginal families at specific sites throughout remote areas of the Territory, Rowse (1998) argues, became a method both of sustenance and government, wrapped in paternalistic assumptions about the moral jeopardy of Aboriginal people. Rationing prompted worries from colonial administrators about the potential of Aboriginal people to become “pauperized” by the exchange.

Aboriginal men who took rations did not adequately perform the role of breadwinner, white authorities believed, and seemed to lack the compulsion to work in exchange for the goods they received. Practices of sharing rationed goods and government benefits among extended families also troubled authorities, who struggled to enforce nuclear family structures (McGrath, 1995; Rowse, 1998). Aboriginal masculinity presented an even more troubling picture for wards, citizens-in-the-making. Colonial administrators believed that Aboriginal people, particularly men, did not 'need' the corrupting influence of money in their lives. Yet authorities also maintained that citizenship required the adoption of appropriate behaviours commodifying labour power and freeing Aboriginals from welfare dependency. In either case, whether as infantilized and vulnerable or as lazy and idle, Aboriginal men were not quite ready for the responsibilities of citizenship (Rowse, 1998).

Behavioral Modification: A Path Towards Citizenship

As an anticipatory citizenship formation, the ward provided a mechanism for dealing with the perceived inadequacies of Aboriginal parenting and masculinity: the promise of citizenship eventually, but oversight until Aboriginal people proved their readiness. If wards represented the *promise* of citizenship, appropriate behaviours by individuals became the path toward its accomplishment. If, as Ahmad (cited in Casey 2012: 12) writes, "Colonial encounters... involve a transition from distance to proximity," the ward became the moment when racial categories could, ostensibly, be bridged by certain behaviour practices. As McGrath (1993) notes, it was a matter of both looking whiter and acting whiter. The ward was based on the assumption that individual acts and deeds were able, at least in theory, to transcend the troubling and un-Australian behaviours of Aboriginals as a group.

For example, one program of the ward era challenged Aboriginal residents to live in white-style homes. Living structures provided a concrete representation of Aboriginal progress: authorities allowed Aboriginal families in Darwin to move from rudimentary dwellings to 'real' houses if they exhibited appropriate behaviours and appearances (Read, 1995, p.288). Alcohol consumption was another example of behaviour regulation. For many Australians, drinking alcohol provided a measure of appropriate Australian behaviour. The struggle over access to alcohol for Aboriginal people, particularly men, became a central test of membership in the nation. Indeed, as McGrath (1993, p.110) writes, "maybe grog was citizenship."

Appropriate mobility was another frequent concern, one exacerbated by the paperwork and bureaucratic demands of ward registration and surveillance. For example, the 'problem' of controlling the 'drift' of Aboriginal people from remote communities to Darwin prompted the establishment of Maranboy Native Settlement in 1943. Its subsequent history, however, demonstrates the practical difficulties of maintaining control over Aboriginal mobility and behaviour. Administrators found their "overall system of containment and control threatened" by excessive and uncontrollable movement of people in and out of the compound (Smith, 2004, p.42). In attempts to gain control over resident mobility, authorities at Beswick Creek Native Settlement introduced European foods to attract permanent residency and tightly controlled male and female interaction within the compound. Former residents recall these behaviours as "welfare... taking control over us" (Smith, 2004, p.61).

These examples demonstrate the widespread connections between wards and behaviour modifications and how 'acting white' became a critical foundational assumption behind becoming an *eventual* citizen. Eating white food, drinking alcohol, and enacting white patterns of settlement were tests of Aboriginal appropriateness, and suggest, as Hindess (quoted in Jones 2012, p.808) writes, "the multiplicity of ways in which individuals, groups and organization within the population are subjected to government of their conduct, by state and non-state agencies, and, of course, by themselves" within liberal governmental regimes.

REEMERGENCE OF THE WARD: THE NORTHERN TERRITORY INTERVENTION

The Northern Territory Emergency Response (NTER) legislation of 2007 ushered in a suite of legislation targeting Aboriginal communities in the NT, policies which, I argue, reinstituted the ward relationship in the Territory, once again deploying anticipatory citizenship in exchange for behaviour modification. This time, however, the biopolitical management of Aboriginal lives and the modified behaviours the Australian state requested were explicitly neoliberal in nature.

On 15 June 2007, the Ampe Akelyernemane Meke Mekarle, or 'Little Children Are Sacred' report, issued 97 recommendations to the Northern Territory government regarding Aboriginal child sexual abuse in the NT, carefully noting as well that "abuse of children is not

restricted to those of Aboriginal descent, or committed only by those of Aboriginal descent, nor to just the Northern Territory” (Wild and Anderson, 2007, p.5). Six days later, Prime Minister Howard and Mal Brough, the Minister for Families, Community Services, and Indigenous Affairs, announced a sweeping legislative package committing \$580 million in the first year alone to address the ‘national emergency’ regarding the situation of Aboriginal children in the NT (Senate Standing Committee on Legal and Constitutional Affairs, 2007). Brough described the government’s plan as a response to Aboriginal communities that had become “failed societ[ies] where basic standards of law and order and behaviour have broken down” (Watson, 2011, p.912).

The legislation included ‘law and order’ measures, financial controls over Aboriginal Australians, and control over Aboriginal lands. The laws created a new designation for Aboriginal communities called ‘prescribed areas’ where the possession and consumption of alcohol or pornography would be forbidden and the use of publicly funded computers would be monitored. Courts would be forbidden to consider customary laws and cultural practices when setting bail or issuing jail sentences, and the role of the Australian Crime Commission and Australian Federal Police would be expanded to include 18 new police stations in the NT (Manderson, 2008; Lea, 2012). The NTER also created new financial regulatory structures for Aboriginal Australians, including accelerating the end of the Community Development Employment Projects (CDEP) in remote communities in the NT that provided waged employmentⁱ and creating government business managers to implement NTER policies in Aboriginal communities and act as the “single face of the Australian government at the local community level” (Blakeman, 2016) (Department of Families, 2008, p.71). Finally, Aboriginal Australians’ welfare payments would be quarantined to prevent purchases of alcohol, tobacco, pornography, or gambling products through the use of a debit card at a licensed store. The legislation loosened the regulations governing access to Aboriginal land, replacing the permit system for 52 Aboriginal townships and establishing federally-controlled, five-year leases over prescribed areas. Separately, but coinciding with the NTER, was the amalgamation of remote NT communities into eight regional ‘super shires,’ cuts to funding for Aboriginal outstations from the NT government and the concentration of services into 21 ‘Territory Growth Towns,’ all proposals that cut Aboriginal employment possibilities in remote NT locations (Lea, 2012). Also coinciding with the implementation of the NTER was the decision by the NT government (lifted in 2012) to

ban teaching Aboriginal children in Aboriginal language for the first four hours of the school day (Northern Territory Department of Education and Training (NT DET), 2008). To apply the measures of the NTER directly to the Aboriginal communities of the NT, the legislation also lifted the protections of the *Racial Discrimination Act 1975* (Senate Standing Committee on Legal and Constitutional Affairs, 2007).

The NTER legislation was proposed within a context of rising concerns about violence, sex, and dysfunction in Aboriginal communities. The Australian media “rediscovered Aboriginal dysfunction” in 2005 and 2006, Sutton (2011: 34) writes, and print and television sources increasingly began publicizing Aboriginal welfare dependency, corruption, rates of disease, substance abuse, violence, criminal justice, financial viability of remote communities, and abuse of women and children. Television programs began documenting violence in NT Aboriginal communities and the alleged sexual slavery of NT Aboriginal children on popular programs such as ABC’s *Lateline* (Pether, 2010, p.26; Sutton, 2009, p.34). These debates occurred even as the very viability of Aboriginal communities—especially remote communities supported under the self-determination policies of the 1970s and 1980s—was under sustained attack by media and public figures, such as Aboriginal lawyer Noel Pearson, whose 2000 speech titled ‘The Light on the Hill,’ argued that passive welfare dependency was at the heart of Cape York Peninsula’s indigenous communities’ struggles with alcohol, poverty, and social problems (Pearson, 2000, p.1). Drawing on this long-standing debate about the genesis of Aboriginal community ‘dysfunction,’ government and media debate over the ‘Little Children Are Sacred’ report characterized Aboriginal people as victims of welfare dependency and “problem sexual behaviour” (Pether, 2010, p.31). Rather than situating communities within “centuries of violent legalized subordination, including genocidal practices of varying kinds... or persisting racism,” sensationalized media reports and government officials implied that Aboriginal people, particularly men, were the problem (Pether, 2010, p.31).

The rhetoric surrounding the unveiling of the NTER portrayed the situation of Aboriginal children in the NT as a crisis, what Strakosch (2012, p. 1) describes as a situation of “catastrophic colonial risk.” The graphic media coverage combining allegations of violence, sexual abuse, and Aboriginal children created what analysts called a “full-blown moral panic” among the Australian public (Watson, 2011, p.911; Anthony, 2009, p.91). The NT became, again, a “crucible” or “frontier” for white Australian relations with Aboriginal

people (Gray, 2011b, p.11), as the Intervention policies worked to reshape governance of Aboriginal communities.ⁱⁱ As Osuri (2008, p.2) describes, the Intervention prompted the questions: “what new powers were being consolidated in relation to Indigenous subjects? What kinds of Indigenous subjects did these forms of power aim to produce?” For many Aboriginal people facing the Intervention policies, the resemblance was clear; one person described it as “here we are back in the welfare days again. Forced to line up for our handouts” (Gibson, 2009, p.6). I argue that the NTER refashioned the ward relationship through a neoliberal lens and refocused attention on Aboriginal people through discourses about family, economic activity, and assumptions about appropriate behaviours. NTER policies promoted an updated form of anticipatory citizenship for Aboriginal residents of the NT.

Biopolitical Oversight, Neoliberal Behaviour Management, and Citizens in Name Only

Framing the NTER as a revitalized version of wardship draws on Ngai’s (2007) understanding of the alien citizen, a person who by birthright should hold citizenship status but whom, by embodying particular racial characteristics, is denied citizenship through law and policy. In the case of Aboriginal Territorians, the exclusion through law *and* policy was explicit: by lifting the protections of the Racial Discrimination Act 1975 to apply the NTER specifically to *Aboriginal* residents of the Territory, the Australian government had effectively revoked their status as full citizens, exposing the legal precariousness of hard fought claims to citizenship. The NTER offered an implicit promise to Aboriginal residents: adhere to the behavioural conduct mandated under the law, and full citizenship would be restored. While the NTER resonated with the anticipatory citizenship practices of the ward in the 1960s, this time the path towards full belonging within the Australian political community had a much more explicitly neoliberal focus. Indigenous subjectivities would be reframed through logics of globalised capitalism (Kymlicka, 2013, p.112).

The NTER refocused national attention on Aboriginal parenting in the Territory. Just as in the ward era, assumptions about the roles of parents, children, and the place of the nuclear family were central points of tension. Allegations of child sexual assault accompanied inflammatory media reports about neglected children, unfit parents, and failed families and communities. Critiques of Aboriginal parenting fell into two different

categories of colonial logics perpetuated in the Intervention, Lawrence and Gibson (2007) argue. Aboriginal parents were assumed to be draining resources from a strapped government because they were incapable of parenting correctly. At the same time, by acting as ungovernable—or perhaps even impossible—citizens, parents were also jeopardizing the next generation, failing to raise children capable of the responsibilities of citizenship.

Aboriginal people interpreted Intervention policies as critiques of their parenting practices and reacted with shame and anger. Warlpiri elders from Nyrripi (Gibson, 2009, p.11), for example, tied the quarantining of welfare payments and regulations over alcohol to parenting practices: “We don’t drink. We know how to look after the kids.” Similarly, the practices of bulk ordering groceries through Government Business Managers in remote communities were attributed to parenting problems, as Jimmy (Gibson, 2009, p.14) from Ti-Tree explained. He noted that food boxes are now delivered “because they reckon the kids weren’t getting looked after properly.” Intervention policies have been interpreted through gendered lenses, particularly regarding government assertions that ‘women like the Intervention’ because of income management helps their families. This claim draws on assumptions of appropriate mothering practices yet fails to reflect the diversity of Aboriginal women’s experiences, according to Aboriginal activist Barbara Shaw of Mt. Nancy (Gibson, 2009, p.51).

Like in the ward era, critiques of parenting are also methods of infantilizing entire families. The NTER’s programs and policies have been criticized as profoundly disempowering (Concerned Australians, 2011; Gibson, 2009). As Aboriginal resident James Japangardi Marshal (quoted in Gibson, 2009, p.44) described at a community meeting in Yuendumu in 2007, “We are like a puppet on a string and you mob will be telling us what to do. We haven’t got any rights.” Examples of the powerlessness experienced by Aboriginal people included not being paid for ‘Intervention work’ projects proposed by Government Business Managers in communities; the extraordinary amounts of time and energy people who received income-managed benefits expended trying to access their funds; and the shame and anger people felt at having their purchases tightly controlled by the state.

Aboriginal people drew direct connections between new regulations, powerlessness, and infantilisation. For example, Christopher Poulson (quoted in Gibson, 2009, p.47) at the same 2007 meeting asked, “Is this law only for blackfella and the government is treating us

just like a little boy?” Similarly, in 2011 at a community event, Joy White, a member of the Bagot community in Darwin, said, “We are right here in Darwin and yet we are treated like little children. I won’t stand for it.” In addition, Aboriginal residents of the Territory particularly critique how the NTER limits their freedom of movement. Issues with receiving funds from the ‘Basics Card,’ the debit card containing welfare payments managed by the government, prevented people from traveling interstate and attending funerals and other significant events in other parts of the country (Gibson, 2009). Using the card stigmatized people making purchases, and many people reported shame, confusion, and anger from having to stand in ‘Basics Card only’ lines at registers or having shopkeepers police their purchases (Gibson, 2009).

Expectations about Aboriginal masculinity also shaped Intervention policies, as they had in the ward era. Once again, men were expected to be breadwinners, but now these interpretations of masculine economic independence were connected to neoliberal assumptions about individual citizens as consumers and the superiority of privatized, market-based reforms compared with communal economic relationships. Aboriginal Australians were encouraged through the assumptions governing state policies to discipline themselves as neoliberal subjects, what Bielefeld (2014/2015, p. 109) describes as an “emaciated conception of neoliberal citizenship, whereby full citizenship rights are only acknowledged for those deemed to be economically useful.” In the cases of Aboriginal Territorians, the reward for such self-discipline and appropriate behaviours would be citizenship, and the sense of genuine belonging in the Australian nation.

As in the ward era, government policies stressed the importance of people having ‘real’ jobs, an argument Lovell (2014) describes as a neoliberal critique of Aboriginal communities that emphasised both the failure of Aboriginal people to engage with the mainstream economy and simultaneously, the lack of validity of alternative economic participation in schemes such as Community Development Employment Projects (CDEP). The emphasis on ‘real jobs’ was also gendered, I argue, as CDEP programmes employed more men than women and included a higher proportion of traditionally male occupations (Hudson, 2008). The Howard government had already targeted the CDEP programme for change and in 2007 60 urban and regional CDEP programmes were closed. As part of the NTER, Minister for Indigenous Affairs Mal Brough announced the end of CDEP in the NT, and over the next few months over 30 NT communities lost their CDEP activities (Blakeman,

2016). The election of the Rudd government stayed the closure of CDEP, which became subsumed into the 2013 Remote Jobs and Communities Programme, renamed the Community Development Programme in 2015, each of which required participants to participate in mandatory weekly Work for the Dole activities (Blakeman, 2016). As CDEP trickled to a close, the number of jobs in Aboriginal communities contracted. Many remote communities experienced a drastic drop in the amount of available work. Contracts for new buildings were increasingly given to national corporations with fly-in, fly-out workforces, and people who had jobs under the CDEP program were cut from replacement work projects (Gibson, 2009). Activists characterised these changes in remote communities, by describing how Aboriginal friends using the phrase 'it's snowing' to signal the numbers of white contractors and state employees that descended into Aboriginal communities after the NTER.

Other neoliberal policies accompanied the transition away from CDEP. The NTER replaced communal land ownership in 64 NT Aboriginal communities with mandatory government leases that provide unconditional government access to land and assets to maintain community infrastructure. This policy followed on the heels of the Aboriginal Land Rights Amendment Act of 2006 that had eased access to the mining industry and the Commonwealth Radioactive Waste Management Act that had eliminated Aboriginal community consent procedures for nuclear waste dumping on Aboriginal lands (Stringer, 2007). Tenancy management provided an important source of income for many communities. Yet even as government leases summarily withdrew these income sources, the promises of new housing and funds for communities were not often realized (Gibson, 2009). As Fisher (2012: 176) notes, private property serves as an important rerouting of Aboriginal sovereignty claims.

Furthermore, the NTER introduced Government Business Managers in Aboriginal communities to promote economic development. Managers' roles built on the Aboriginal and Torres Strait Islander Corporations Act of 2006, legislation that constituted Indigenous Australian groups as corporations (Stringer, 2007). In practice, Government Business Managers were criticized by community members as hiding behind barbed wire fences, refusing to engage with the community, and drawing large salaries for little work. In Yuendumu, for example, community members nicknamed the Government Business Manager 'egg' because he stayed in his nest all day (Gibson, 2009, p.17).

Negative assumptions about Aboriginal family life and economic potential accompanied the NTER legislation, but Aboriginal residents were also given tools by the legislation to prove their worthiness of full citizenship potential. Behaviour modification was a method of achieving 'eventual' citizenship in the ward era, and these expectations were revived during the NTER. One of the Intervention's policy precursors was the development of Shared Responsibility Agreements (SRAs) signed with individual Aboriginal communities in various parts of Australia beginning in 2004. These agreements promised government services in exchange for setting community and family goals for personal hygiene, household cleanliness, and truancy prevention (Lawrence and Gibson, 2007). SRAs blended neoliberal individualized market rationalities that stressed individuals' capacities to develop 'responsibility' with the familiar colonial logics of rationing (Lawrence and Gibson, 2007).

The NTER legislation (2007) maintained a focus on behaviour. Authorities restricted alcohol and pornography consumption across all Aboriginal communities deemed 'Prescribed Areas,' framing these spaces, as Macoun (2011, p.21) writes, as both the site of 'authentic' Aboriginal behaviour and disorder. Income management policies limited where and when Aboriginal people spent their income. Restrictions were placed upon the use of customary law in criminal sentencing. These policies are widely interpreted as targeting Aboriginal *culture* by focusing on certain behaviours. As Aboriginal community member Rosalie Kunoth-Monks of Utopia (quoted in Concerned Australians, 2011, p.27; Gibson, 2009) said, there has been a "tremendous amount of soul searching of Aboriginal people feeling that they have done something wrong but they couldn't put their finger on what it is that's wrong. They've come to the conclusion what is wrong is that we were born black into a different culture."

Paradoxical assumptions about Aboriginal capabilities lay beneath these economic changes. On the one hand, a foundational assumption of income management was that Aboriginal people were incapable of controlling their spending. Bielefield (2012, p. 546), for example, describes how Aboriginal people on income management needed to apply for permission to purchase whitegoods, which were paid directly from Centrelink after purchases were approved. On the other hand, the state eagerly attempted yet again to shape Aboriginal parenting and economic roles. Lawrence and Gibson (2007, p. 660) write, the Aboriginal "community becomes a discursive space of governmental intervention, a practical means of forming subjects as consuming citizens, and a way of obligating ethical

self-conduct” through these market-based transformations. Yet I would argue that rather than creating consuming citizens, the NTER offered *promises* of citizenship benefits in exchange for increasingly neoliberal family behaviours yet simultaneously worked to prevent Aboriginal families from achieving these stated goals. Aboriginal residents were supposed to adopt neoliberal forms of self-regulation, according to state assumptions about families and economic behaviours. Parents were supposed to help their children grow, yet lacked the power and authority to do so. Men were supposed to work, yet private contractors and business managers took over community economic activities. Aboriginal families were set up to fail.

The NTER promoted sweeping changes to the governance of Aboriginal economies and family lives. New policies advocated neoliberal strategies of privatized, corporatized economic development. They promised that individual responsibility and appropriate behaviours would demonstrate Aboriginal capacity for full citizenship rights. Yet at the same time, the NTER policies relied on long-standing beliefs that Aboriginal models of family life, economic governance, and community culture were unacceptable. The state framed inappropriate behaviours as evidence of failed Aboriginal culture and connected these behaviours with Aboriginal people’s lack of capacity for citizenship. This is a connection Aboriginal activists have drawn, and contested, as well. Otto Jungaarayi Simms (quoted in Gibson, 2009, p.44) asked in 2007 at Yuendumu, “Are we bad? You see these old ladies, are they bad? You’re telling us how to live. We know how to live! We are law abiding citizens.” Jungaarayi Simms explicitly called out the underlying assumptions connecting the ward to NTER policies: a belief that Aboriginal people fundamentally did *not* know how to live, that this failure denied them full Australian citizenship, and that until that point, their citizenship was in name only.

THE PROMISE OF CITIZENSHIP

Throughout this paper, I have explored the anticipatory form of citizenship of the ‘ward of the state.’ Wards categorized Aboriginal Australian populations during the 1950s and 1960s, and were underpinned by an implicit bargain. Aboriginal people would obtain eventual citizenship if their behaviour adhered to assumptions about appropriate family and economic life, yet the legal constraints of the ward guaranteed citizenship remained firmly out of reach. The ward, I argue, re-emerges as the promise of citizenship in contemporary

NT life, again in exchange for appropriate behaviours. Gendered and neoliberal assumptions about acceptable family life and economic activity govern the terms of this new deal, yet Aboriginal Australians are forced to act without a level playing field. Both groups encounter the promises of citizenship, but not its full embrace.

This analysis incorporates an understanding of citizenship combining Isin's (2012) focus on acts, deeds, and discourses that allow people to make rights with the embodied performances that Perera (2009) argues underpin claims to citizenship. For Aboriginal Territorians, making claims to citizenship relied on adhering to biopolitical discourses about parenting and gender roles that shaped acceptable performances of family life. Failure to perform these embodied constructions (Perera, 2009) of family left families feeling both infantilised and powerless. Fused to these performances of citizenship acts and deeds were expectations about economic participation: neoliberal expectations for holding 'real jobs,' spending money, and the distribution of property shaped state narratives of individual responsibility (Staeheli, 2010). Wardship limits the ability for these political subjects to govern themselves (Isin, 2012), even as it promotes increasingly amounts of neoliberal self-discipline.

Finally, undercutting *all* of these aspects of citizenship were legacies of Aboriginal Territorians' 'alien citizen' status (Ngai, 2007), the racialized laws and policy mechanisms which have denied Aboriginal Australians full citizenship benefits for generations. The status of the 'ward' is, of course, one of many denials of citizenship that have historically been applied to Aboriginal Territorians, and the ward's fusion of race and non-citizenship status (Ngai, 2007) is echoed in the necessary lifting of the *Racial Discrimination Act 1975* in order to implement the NTER decades later. Yet this analysis extended these frameworks of citizenship further, to account for the anticipatory quality of both ward and NTER claims to citizenship: in both cases, denials of rights were layered on top of citizen and non-citizen status alike, and Aboriginal Territorians were promised the full benefits of citizenship only if they embodied specific performances of white Australian culture, from family life to economic participation (Staeheli, 2010). Wardship thus creates and perpetuates assumptions about Aboriginal people's capacities for self-governance and authorizes practices that continue to constrain these capacities.

Aboriginal Territorians are by no means powerless, however. Recent scholarship has documented the incredible resilience and political engagement of Aboriginal community

activists who challenge NTER policies (e.g. ,Cox, 2011; Watson, 2010). Demands for citizenship navigate a challenging arena. Citizenship acts both as an idea with potential for oppression—as the promise of wardship suggests—and space of “redress and communal expression” (Jeffrey et al., 2012, p.1254). Contesting unequal citizenship promises through state legal channels risks engaging the law as a method of continued colonial violence even as it also offers a means toward reparation. In Australia, the increasing limitations to full citizenship enacted through the legal system, including increased voter identification laws, prisoner disenfranchisement, and the stricter residency rules of the Citizenship Act 2007, suggest that Australian law may not be capable of fully addressing the logics and practices underscoring the precariousness of citizenship (Stratton, 2011, p.307). Perhaps conceptions of citizenship not bounded by the terms of the nation-state offer more potential for activism and contestation.

Jones (2012) questions whether a binary framework of resistance or co-option always fits emergent political subjectivities, proposing the term ‘spaces of refusal’ to describe citizenship acts that are not overt resistance but instead a *dismissal* of the state’s claims, refusing an all-encompassing understanding of state power (Jones, 2012). Kymlicka (2013) suggests the concept of ‘citizenation’ as being more than formal citizenship, including challenges to citizenship over issues of political, economic, and social inclusion. Similarly, de Genova (2010, p. 104) argues that migrant activism in the US positions “officially rightless non-citizens” where they can “authorize themselves to speak.” Such a politics of refusal—although he does not use this term—highlights the cracks in the state apparatus (De Genova, 2010a, p.115).

These re-workings of citizenship demonstrate its continued promise as a theoretical concept and suggest why studies of citizenship remain important rejoinders and challenges to dominant state framings. Citizenship can be reimagined as a more radical sense of belonging. Aboriginal Australians in Australia are beginning to explore ideas of citizenship that transcend state borders, contesting the logics that limit their capacity as political subjects. For example, in 2012, Aboriginal activists issued 200 Aboriginal Land Passports in the Redfern neighborhood of Sydney to migrants and asylum seekers. Activist Rahib Charida (quoted in Aboriginalnationspassport, 2012, p.1), explicitly connected the NTER, migration, and sovereignty, articulating a different conception of citizenship and belonging:

The picture that the government paints is that Australia is the “lucky country”. But when we look at the Apartheid being practiced in the Northern Territory... we know that that picture couldn’t be further from the truth. As the beneficiaries of these injustices, this event is a chance for us to express that we do not recognize Australia’s legitimacy as a sovereign power of this land and that it does not act in our name.

The challenge of these spaces of refusal is a radical reimagining of citizenship that extends beyond the Australian state, even as policies limiting political subjectivities hem in Aboriginal populations in the NT. The threat, as Aboriginal activist and scholar Watson writes, is that, “Aboriginal laws, or sovereignty, simply exist” (Giannacopoulos, 2011, p.14). Perhaps the political subjectivity of existing will become a significant challenge to anticipatory citizenship and the corrosive logics and assumptions it perpetuates.

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ⁱ CDEP programmes in remote NT communities were initially targeted for closure under the NTER, then later (September 2007) partially reinstated, and finally subsumed into welfare and Work for the Dole programmes, first titled the Remote Jobs and Communities Programme in 2013, later renamed the Community Development Programme in 2015 (Blakeman, 2016).

ⁱⁱ Some prominent Aboriginal leaders commended the NTER policies, including Warren Mundine AO, Professor Marcia Langton, and former magistrate Sue Gordon, although members of NT communities did push back against these supporters (Gibson, 2009).